

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

KARLA ASCENCIO,

No. C 12-06531 LB

Plaintiff,

**ORDER (1) DISCHARGING ORDER
TO SHOW CAUSE RE: FAILURE TO
PROSECUTE AND (2) SETTING AN
INITIAL CASE MANAGEMENT
CONFERENCE**

v.

LA LOMA PRODUCE NOS 3 AND 9, INC.,
et al.,

Defendants.

On December 26, 2012, Plaintiff filed this action against Defendants alleging violations of the Americans with Disabilities Act. Complaint, ECF No. 1. Defendants answered her complaint on March 7, 2013. Answers, ECF Nos. 6-8.

On October 24, 2013, a Certification of Medication was filed that states that the action settled in its entirety. Certification of Medication, ECF No. 14. In light of this Certification, on December 9, 2013 the court's clerk issued a notice directing Plaintiff, by December 12, 2013, to dismiss the action or file a case management conference statement. Clerk's Notice, ECF No. 15. Plaintiff did neither, so on December 18, 2013, the court ordered Plaintiff to show cause why this action should not be dismissed for failure to prosecute it. Order to Show Cause, ECF No. 16.

In response, on December 19, 2013, Plaintiff filed a Notice informing the court that the parties have agreed to settle the action and expect to dismiss the case by February 15, 2014. Notice of Settlement, ECF No. 17. Plaintiff's counsel also filed a declaration stating that he anticipates receiving a draft of the settlement agreement by January 1, 2014, and he will file a dismissal within ten days later. Frankovich Declaration, ECF No. 18, ¶ 4. He also requests that a case management conference be set. *Id.*, ¶ 6.

Under the circumstances, the court **DISCHARGES** its order to show cause and **SETS** a case

1 management conference for Thursday, February 6, 2013 at 11:00 a.m. The parties shall file a joint
2 case management conference statement no later than January 30, 2013.

3 **IT IS SO ORDERED.**

4 Dated: December 19, 2013

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6 LAUREL BEELER
7 United States Magistrate Judge
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